

### **REMARKS/ARGUMENTS**

This paper is submitted in response to the Office Action mailed on April 7, 2005. At that time, claims 1-18 were pending in the application. In the Office Action, the Examiner rejected claims 1-18 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,519,704 to Farinacci et al. (hereinafter "Farinacci"). By this paper, Applicants formally respond to the rejections made by the Examiner. In light of this paper and the remarks contained herein, Applicants respectfully request reconsideration and allowance of the present claims.

#### **I. Rejection of Claims 1-18 Under 35 U.S.C. § 102(b)**

As noted above, the Examiner rejected claims 1-18 under 35 U.S.C. § 102(b) as being anticipated by Farinacci. This rejection is respectfully traversed.

As taught by the MPEP, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 (citing Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the ... claim." Id. (citing Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, "the reference must be enabling and describe the applicant's claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." In re Paulsen, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Applicants respectfully submit that the Farinacci does not disclose all of the limitations of the present claims. With respect to claims 1-3, 7-11, and 15-16, these claims all include limitations such as "receiving a request to perform a task for a plurality of devices...", "performing said task using a multicast message . . .", "receiving a request to complete said task . . .", "determining whether said task was completed . . .", and "performing said task using a unicast message . . .".

However, in order to fully outline the scope of these claim limitations, it is necessary to understand the meaning of the term "task," as used in the application. Specifically, the present application defines the term "task"

... as a set of actions that may be applied to a network node. Examples of a task may include copying a file, installing a software application, sending batch data such as emails, and so forth.

Application, p. 3, line 23 – p. 4, line 2. An additional example of a “task” is given later as follows:

the task may be to update security information for 1000 remote user computers.... [This] may include a file having: (1) an updated data file of new viruses; (2) an upgraded version of virus detection software in executable form; (3) an installation program to install the updated data file and upgraded virus detection software; and (4) instructions to the task handler on each of nodes 106, 108, and 110 to initiate execution of a file “install.exe” once the file is completely received by each node.

Application, p. 19, lines 3-11. Such disclosure clearly indicates that the term “task,” as used in the specification, refers to a file or data that requires the receiving node to take some action (such as updating a file, copying a file, sending out batch emails, etc.).

Farinacci, on the other hand, teaches a completely different system and does not disclose the limitations of claims 1-3, 7-11, and 15-16. Farinacci teaches a specific method of communication through a nodal network that will “prevent loops.” Farinacci, Col. 5, line 22. Accordingly, Farinacci teaches that each node in the network (designed as nodes 301a-301d) will send queries to its adjacent nodes to determine if this node has a “feasible successor”—*i.e.*, a downstream, adjacent node that it can communicate with and ultimately transmit a message to the last node in the chain (node 301n). Using the information gathered regarding these “feasible successors,” the router 105 and/or the nodes 301 can then determine the network topology and find an efficient, loop-free pathway of communication leading to node 301n. *See* Farinacci, Col. 5, lines 26-65.

With respect to the portion of Farinacci cited by the Examiner—*i.e.*, col. 5, lines 53-67—this disclosure relates to the specific situation wherein nodes 301b and 301c are isolated such that these nodes do not have a pathway through which they may send messages to other network nodes/node 301n. As such, these nodes 301b, 301c will send “query packets” to each other to determine if the other node has an active communications pathway that leads to node 301n. As these nodes are

isolated, the nodes 301b and 301c will respond to the received “query packets” with “reply packets” indicating that these nodes 301b, 301c do not have a viable communications route to leading to node 301n. *See* Farinacci, Col. 5, lines 53-67.

Given this understanding of the present claims and the Farinacci reference, it is clear that Farinacci does not disclose all of the limitations of claims 1-3, 7-11, and 15-16. For example, the query and reply packets simply contain information (as described above) regarding whether or not the node is capable of, in the future, transmitting a message to a downstream nodes, such packets clearly do not constitute “tasks” which, as outlined above, are files and/or data send to the receiving nodes that requires the receiving node to take affirmative action (such as updating a file, etc.). Accordingly, these query/reply packets are not “tasks” and the fact that these are sent between the nodes 301b, 301c does not satisfy the specific limitations related to performing tasks using a multicast message, performing tasks using a unicast message, or any other claim limitation related to “tasks.”

Claims 1-3, 7-11, and 15-16 also recite the limitation of “receiving a request to complete the task.” Clearly, Farinacci’s teaching that a reply packet is sent by node 301c which informs node 301b that node 301c has no feasible successor in route to node 301n (*see* col. 5, lines 53-55) does not satisfy this limitation regarding requests to complete a task. Specifically, there is nothing that indicates that this communication between nodes 301b and 301 is a “request” (*i.e.*, a command or invitation), or that it deals with “completing” (*i.e.*, finishing) a task/action that has already been started. Rather, this communication is simply designed to inform the other node that there is no effective means to communicate with node 301n and is not a request to complete a task.

Third, Farinacci also fails to disclose the limitation of claims 1-3, 7-11, and 15-16 regarding “determining” whether said task was completed. This limitation means that the status of the pending task must be determined—*i.e.*, is the task completed, pending, restarted, etc. Again, the query/reply packets sent between nodes 301b, 301c simply contain information whether or not nodes 301b and 301c can, in the future, communicate with nodes 301n. *See* col. 5, lines 60-63. These communications do not, however, teach anything related to making a determination of the status of a

previous task and/or determining whether or not this previous task has been restarted, is finished, etc.

Thus, the step of determining is clearly not taught or suggested by Farinacci.

Accordingly, because one or more of the above-recited limitations found in claims 1-3, 7-11, and 15-16 are not present in Farinacci, this reference does not and cannot anticipate these claims under § 102(b). Withdrawal of this rejection is respectfully requested.

With respect to claims 17 and 18, these claims are also not anticipated by Farinacci. In addition to the reasons outlined about with respect to “tasks” and “requesting” completion of tasks, claims 17 and 18 both recite limitations that require a “server having a task handler module to manage completion of a task for a plurality of target devices” and that the target devices have “a task finisher module to request completion of said task if uncompleted.” Applicant cannot find any explicit disclosure in Farinacci related to either a “task handler module” or a “task finisher module.”

The portions of Farinacci cited by the Examiner (*i.e.*, col. 4, lines 40-47) disclose only a network through which nodes may communicate and send each other packets, but do not disclose the various modules recited in claims 17 and 18.

Therefore, because these limitations are not disclosed by Farinacci, this reference also fails to anticipate claims 17 and 18 under § 102(b).

With respect to claims 4-6 and 12-14, these claims recite the limitations of “sending said information to said plurality of devices using a broadcast message” and then later, “sending said information to said at least one device using a unicast message....” The fact that both of these claim limitations recite the term “said information” means that the information sent in the broadcast message must also be sent in the unicast message.

However, Farinacci, as cited by the Examiner, does not disclose such limitations. Rather, Farinacci discloses that the information that is allegedly sent out via a broadcast message is a “query packet” whereas the information that is allegedly sent out in the unicast message is a “reply packet” that “responds” to the query packet. Farinacci, Col. 5, lines 55-57 and 64-67. The fact that one of these transmissions is a “query packet” and one of these transmissions is a “reply packet” means that, of necessity, this is not the same information that is being sent out during each particular

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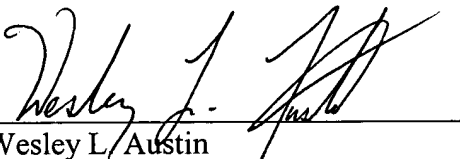
transmission. *See id.* Accordingly, this disclosure of Farinacci does not satisfy the plain language of claims 4-6 and 12-15, and as such, Farinacci does not anticipate these claims under 35 U.S.C. §102(b). Withdrawal of this rejection is respectfully requested.

## **II. Conclusion**

In light of the foregoing, Applicants respectfully assert that all pending claims are patentably distinct from the cited reference, and request that a timely Notice of Allowance be issued in this case.

If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Wesley L. Austin', is written over a horizontal line.

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